

DETAILED ACTION

Receipt is acknowledged of applicant's Amendment/Remarks filed 6/16/2010. Claim 25 has been amended. Claims 1-24 and 26 are cancelled. Claim 25 is pending and is currently under consideration.

WITHDRAWN REJECTIONS

1. Applicant's cancellation of claims 1-5, 7-12, 24, and 26 renders the rejection of claims 1-5, 7-12, 24, and 26 under 35 U.S.C. 103(a) as being unpatentable over Cassel (US 2002/0128285) moot. Thus, said rejection is herein withdrawn.
2. Applicant's cancellation of claims 1-5, 7-9, 19-20, 22, 24, and 26 renders the rejection of claims 1-5, 7-9, 19-20, 22, 24, and 26 under 35 U.S.C. 103(a) as being unpatentable over Samuels et al. (US 2002/0006435 A1). Thus, said rejection is herein withdrawn.
3. Applicant's cancellation of claims 14-15 renders the rejection of claims 14-15 under 35 U.S.C. 103(a) as being unpatentable over Cassel (US 2002/0128285) in view of Lutz et al. (US 5,750,139) moot. Thus, said rejection is herein withdrawn.
4. Applicant's cancellation of claim 17 renders the rejection of claim 17 under 35 U.S.C. 103(a) as being unpatentable over Cassel (US 2002/0128285) in view of Santana et al. (US 2003/0103955 A1) moot. Thus, said rejection is herein withdrawn.

5. In view of Applicant's amendment to claim 25, the rejection of claim 25 under 35 U.S.C. 112, 2nd paragraph, for being indefinite, is herein withdrawn.

EXAMINER'S AMENDMENT

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Peter Scull on 8/4/2010.

The application has been amended as follows:

In claim 25, line 2, after the term "indicated"; **delete** "approximate."

Reasons for Allowance

7. The following is an examiner's statement of reasons for allowance: Claim 25 is directed to a specific pharmaceutical formulation for topical administration comprising in the indicated w/w percentages: 1.5% lidocaine base, 1.5% prilocaine base, 4% tetracaine base, 10% of methylpyrrolidone, 2% of DMSO, 0.08% of topical hyaluronidase, 1.5% of guar gum, 1% of polyoxyethylenesorbitan monolaurate, 0.5% of polyoxyethylenesorbitan monooleate, and the necessary amount of water to 100%. The closet prior art is due to Cassel (US 2002/0128285) or Samuels et al. (US

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2002/0006435 A1). The claims are allowable over the closest prior art because, Cassel and Samuels et al. do not teach or disclose the specific formulations as claimed.

Further, there is no motivation to select the particular combination of components at the specific concentrations as claimed, placing the claims in condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Claim 25 is allowed.

Correspondence

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jody L. Karol whose telephone number is (571)270-3283. The examiner can normally be reached on 8:30 am - 5:00 pm Mon-Fri EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan can be reached on (571) 272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Jody L. Karol/

Examiner, Art Unit 1627

/Yong S. Chong/

Primary Examiner, Art Unit 1627